

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CRIMINAL DOCKET NO. 3:04CR155-V

UNITED STATES OF AMERICA

vs.

DAVID MICHAEL JERNIGAN,

Defendant.

ORDER

THIS MATTER is before the Court upon the Government's Motion For Peremptory Trial Setting, filed 7 November 2005, and Defendant's Motion to Continue And Response to The Government's Motion For Peremptory Setting, filed 10 November 2005. The parties seek to continue this case from the 21 November 2005 term in the Charlotte Division.

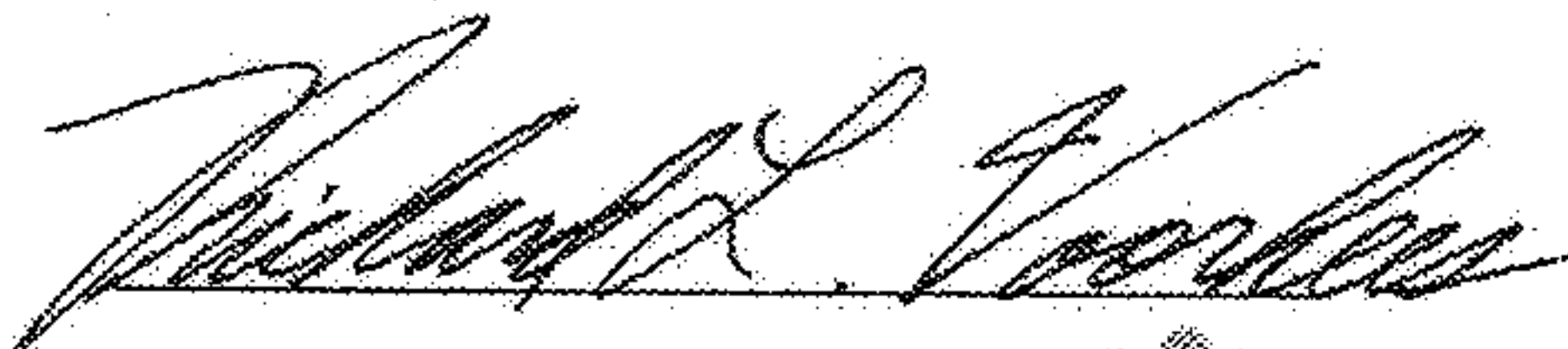
For the reasons stated in the parties' respective motions, and taking into account the exercise of due diligence, the Court will allow the continuance. **18 U.S.C. § 3161(h)(8)(B)(iv)**. The Court further finds that the ends of justice served by taking such action as requested by the Defendant and the Government outweigh the best interest of the public and the Defendant to a speedy trial.

IT IS, THEREFORE, ORDERED:

1. That the parties' joint motion is **GRANTED**; and
2. That this matter is hereby **CONTINUED** from the 21 November 2005 term to the 20 March 2006, with calendar call on 20 March 2006, jury selection on 21 March 2006. In light of the Government's request for a peremptory setting, this matter is hereby designated as the first trial to be heard during the March 2006 term. Therefore, commencement of this

trial will occur immediately following jury selection on 21 March 2006 in the Charlotte Division. There will be no additional continuances allowed in this case.

Signed: November 14, 2005

A handwritten signature in black ink, appearing to read "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath.

Richard L. Voorhees
United States District Judge

